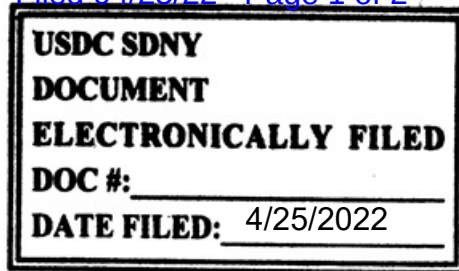


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
EVERYTOWN FOR GUN SAFETY ACTION
FUND, INC.,

Plaintiff,

- against -

DEFCAD, INC. et al.,

Defendants.
-----X

21-CV-8704 (PGG) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves Plaintiff's motion to amend as addressed in the parties' submissions at Dkts. 76-77. The Court grants the motion and authorizes Plaintiff to file its amended complaint. The amended complaint shall be filed by May 2, 2022. Pursuant to Fed. R. Civ. P. 15(a)(2), leave to amend shall be freely granted when justice so requires. The Court finds that the amended pleading has not been delayed, is not proffered in bad faith, will not cause undue prejudice, and is warranted in the interests of justice. At this time, the Court makes no finding as to futility. The Court finds that judicial efficiency and the interests of justice warrant deferring consideration of the merits aspects of the amended claims until such time as consideration of the merits of Plaintiff's existing claims. Additionally, Defendants have sought leave to file a motion to dismiss premised on lack of personal jurisdiction and improper venue, which are threshold issues to any determination on the merits. A schedule for the motion to dismiss briefing will be set at the upcoming initial pretrial conference.

The parties should discuss a briefing schedule in advance and be prepared to propose a schedule at the conference.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: April 25, 2022
New York, New York

Copies transmitted this date to all counsel of record.